

MARTIN L. FINEMAN, California State Bar No. 104413  
 DAVIS WRIGHT TREMAINE LLP  
 505 Montgomery St., Suite 800  
 San Francisco, California 94111-6533  
 Telephone: (415) 276-6500  
 Facsimile: (415) 276-6599  
 E-mail: [martinfineman@dwt.com](mailto:martinfineman@dwt.com)

RAYMOND P. NIRO (*Admitted Pro Hac Vice*)  
 DEAN D. NIRO (*Admitted Pro Hac Vice*)  
 PATRICK F. SOLON (*Admitted Pro Hac Vice*)  
 RICHARD B. MEGLEY, JR. (*Admitted Pro Hac Vice*)  
 JOSEPH A. CULIG (*Admitted Pro Hac Vice*)  
 NIRO, HALLER & NIRO  
 181 W. Madison St., Suite 4600  
 Chicago, IL 60602-4515  
 Telephone: (312) 236-0733  
 Facsimile: (312) 236-3137  
 Email: [rniro@nshn.com](mailto:rniro@nshn.com)  
 Email: [dniro@nshn.com](mailto:dniro@nshn.com)  
 Email: [solon@nshn.com](mailto:solon@nshn.com)  
 Email: [megleyjr@nshn.com](mailto:megleyjr@nshn.com)  
 Email: [culig@nshn.com](mailto:culig@nshn.com)

Attorneys for Plaintiff  
 ADC TECHNOLOGY, INC.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

ADC TECHNOLOGY, INC.

Plaintiff,

v.

PALM, INC., and  
 HEWLETT-PACKARD COMPANY

Defendants.

Case No. 3:11-cv-02136-EMC

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING CONTINUANCE  
 OF MARCH 27, 2014 CASE  
 MANAGEMENT CONFERENCE**

**Civil L.R. 7-12**

1 The parties to this action—plaintiff ADC Technology, Inc. (“ADC”) and defendants Palm,  
2 Inc. and Hewlett-Packard Co. (collectively, “Palm”)—respectfully submit this stipulation, requesting  
3 that the Court continue the Case Management Conference previously scheduled in this action for  
4 March 27, 2014 to a date in May, 2014, or an alternative future date that is convenient to the Court.

5 Good cause exists for this requested continuance of the Case Management Conference, as set  
6 forth below:

- 7
- 8     ▪ This is a patent case in which the plaintiff, ADC, asserts three patents—namely, U.S.  
9       Patent Nos. 6,985,136 (the “136 patent”), 7,057,605 (the “605 patent”) and 7,567,361  
10       (the “361 patent”) (collectively, the “patents-in-suit”).
  - 11     ▪ In mid-2011, pursuant to a third-party request, the PTO ordered reexamination of each of  
12       the three patents-in-suit.
  - 13     ▪ In July 2011, defendant Palm filed a stipulated motion to stay this case pending final  
14       determination of the reexamination of the patents-in-suit by the PTO. (*See* Docket  
15       No. 68.) Plaintiff ADC stipulated to this stay motion. (*Id.*)
  - 16     ▪ On July 25, 2011, the Court granted the stipulated stay motion and ordered that “[t]his  
17       action is stayed pending final determination of the reexamination of the patents-in-suit”  
18       by the PTO. (*See* Docket No. 70.) In its order, the Court instructed the parties to advise  
19       the Court when the PTO has issued a final determination on reexamination. (*Id.*) In  
20       addition, the Court set a case management conference for May 11, 2012, which was  
21       subsequently re-set for May 18, 2012. (*Id.*)
  - 22     ▪ In May and September, 2012 and in January, May, September, and December, 2013,  
23       defendant Palm and plaintiff ADC filed stipulations requesting continuance of the case  
24       management conference, noting that there has not yet been a final determination of the  
25       reexamination of all of the patents-in-suit and indicating agreement that a continued stay  
26       in this action was appropriate. (*See* Docket Nos. 72, 74, 77, 82, 85.) The Court granted

1 the stipulated requests and re-set the case management conference, which is currently set  
2 for March 27, 2014. (*See* Docket Nos. 73, 75, 78, 81, 83, 84, 86.)

- 3
- 4 ■ To date, there has not yet been a final determination of the reexamination of all of the
- 5 patents-in-suit. Although the PTO issued a reexamination certificates for the '136, '361,
- 6 and '605 patents in December 2011 and September 2013, the PTO initiated additional
- 7 reexamination proceedings on the '136, '361, and '605 patents in July, November, and
- 8 December 2012, respectively. ADC represents that it is still in the process of dismissing
- 9 before the PTO all of these additional reexamination proceedings and that, upon
- 10 dismissal, there will be no reexaminations proceedings pending with respect to the '136
- 11 patent. In March, 2014, ADC submitted new petitions to terminate the reexaminations
- 12 which ADC expects to be granted within the next month.
- 13 ■ ADC and Palm have continued to engage in more serious discussions in order to try and
- 14 resolve the dispute. However, the pendency of the reexaminations has hampered the
- 15 parties' efforts to resolve the case. The parties believe they need additional time to fully
- 16 exhaust reasonable efforts to settle the case.
- 17 ■ The parties presently agree that the Case Management Conference should be continued to
- 18 a date in May 2014, or an alternative future date that is convenient to the Court in view of
- 19 the pending reexaminations and to allow the parties some brief additional time to try and
- 20 settle the case without burdening the Court. The parties further agree that if any of the
- 21 reexaminations are completed before the rescheduled Case Management Conference,
- 22 either party may file a motion to have the stay lifted, and the other party may oppose the
- 23 motion.

24 In view of the foregoing, the parties respectfully request that the Case Management

25 Conference previously set for March 27, 2014, be continued to a date in May 2014, or an alternative

26 future date that is convenient to the Court.

27

1 Dated: March 13, 2014

/s/ Richard B. Megley, Jr.

2 Raymond P. Niro (*pro hac vice*)  
3 Dean D. Niro (*pro hac vice*)  
4 Patrick F. Solon (*pro hac vice*)  
5 Richard B. Megley, Jr. (*pro hac vice*)  
6 Joseph A. Culig (*pro hac vice*)  
7 NIRO, HALLER & NIRO  
181 West Madison, Suite 4600  
Chicago, Illinois 60602  
Telephone: (312) 236-0733  
Facsimile: (312) 236-3137

8 Martin L. Fineman, (SBN 104413)  
9 DAVIS WRIGHT TREMAINE LLP  
505 Montgomery St., Suite 800  
10 San Francisco, California 94111-6533  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599

11 ATTORNEYS for Plaintiff  
12 ADC TECHNOLOGY, INC.

13 Dated: March 13, 2014

/s/ Nathan L. Walker (*with permission*)

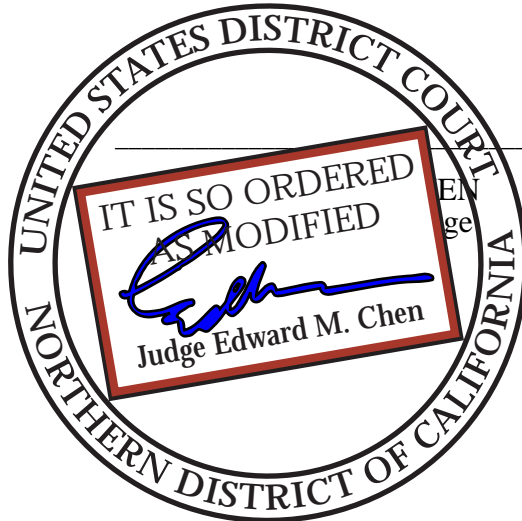
14 Mark D. Flanagan (SBN 130303)  
15 mark.flanagan@wilmerhale.com  
16 Nathan L. Walker (SBN 206128)  
nathan.walker@wilmerhale.com  
17 Christine Duh (SBN 228544)  
christine.duh@wilmerhale.com  
18 WILMER CUTLER PICKERING HALE AND  
DORR LLP  
950 Page Mill Road  
19 Palo Alto, California 94304  
Telephone: (650) 858-6000  
20 Facsimile: (650) 858-6101

21 Attorneys for Defendants  
22 PALM, INC. and  
HEWLETT-PACKARD COMPANY

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The Case Management Conference previously set for March 27, 2014 at 9:00 a.m. is hereby continued to May <sup>29</sup>\_\_\_\_, 2014 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. A joint CMC statement shall be filed by May 22, 2014.

Dated: March <sup>25</sup>\_\_\_\_, 2014



**SIGNATURE ATTESTATION**

I, Richard B. Megley, Jr., hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 13, 2014, in Chicago, Illinois.

By: /s/Richard B. Megley, Jr.  
Richard B. Megley, Jr.